IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE GODA RAGHURAM**

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**WRIT PETITION NO : 19667 of 2004**

Between:

1 Y. Krishna Reddy, S/o. Subbaramireddy
R/o. Mantapamapali village, Vontimitta Mandal, Kadapa District.
2 K. Pitchireddy, S/o. Subbaredy,
R/o. Mantapamapali village, Vontimitta Mandal, Kadapa District.

**..... PETITIONERS**

AND

1 State of A.P., represented by its Principal Secretary,
Irrigation Department., Secretariat, Hyderabad.
2 The Executive Engineer, Irrigation Division, Kadapa District.
3 The Deputy Executive Engineer, Irrigation Sub Division,

Kadapa District.
4 The District Collector, Kadapa, Kadapa District.

**..... RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the proceedings, dated 30.8.2004 in Rc.No.C4/387/FFWP/PC/04 issued by the 4th respondent is illegal, irregular, arbitrary and violative of Articles 14,19,21 and 300-A of the Constitution of India, set aside the same and consequently direct the respondents to continue the works granted by the proceedings, dated 17.2.2004 in Ref No. C4/387/FF WP/PC/04 issued by the 4th respondent.

**Counsel for the Petitioners: MR.SATYANARAYANA NIMMAGADDA**

**Counsel for the Respondents: G.P. FOR IRRIGATION &**

**COMM AREA DEV.**

**The Court made the following:**

**ORDER**:

Petitioners assail the proceedings dated 30-08-2004 of the 4th respondent whereby the works sanctioned in the

4th respondent proceedings dated 17-02-2004 were cancelled and sanction has been accorded for execution of alternate works mentioned in the proceedings impugned herein.

On 17-02-2004 the 4th respondent accorded sanction for execution of two specified works in Vontimitta Mandal, Kadapa Distirct viz., providing protection arrangements to the right side bank of the local vanka, near ST Colony at Ramachandrapuram village, a hamlet of Mantapampalli, Vontimitta Mandal, and

ii) providing protection arrangements to the left side of bank of Pedda vanka, near ST colony of Margudipalli village, a hamlet of Mantapampalli, Vontimitta Mandal.

This sanction was accorded under the food for work programme on the beneficiaries contributing 10% of the value of the work and the balance 90% to be met by the Government in terms of rice for the labour involved. The beneficiaries appear to have contributed their share by way of demand drafts in amounts of Rs.18,000/- and Rs.12,500/- dated 17-02-2004, which were handed over to the second respondent. The second respondent, however, states that work could not be executed since the

election notification was issued.

After the elections, by the impugned proceedings the two works earlier sanctioned by proceedings dated 17-02-2002 were cancelled and the new work was accorded sanction viz., repairs to the irrigation channel under Chalamareddi Kunta in Vontimitta Mandal. The 4th respondent, District Collector, however, both in the earlier proceedings dated 17-02-2004 and 30-08-2004 refers to recommendations apparently made by the successive M.L.A's of Rajampet. The only distinction in the proceedings dated 17-02-2004 is that the name of the then M.L.A. was mentioned and in the impugned proceedings dated 30-08-2004, the name of the M.L.A., who apparently replaced the earlier M.L.A. in the recently conducted elections, is mentioned. Both the earlier work sanctioned and the substituted work now sanctioned appear to have commended acceptance of the 4th respondent apparently on the basis of the recommendations of the local M.L.A.

The petitioner neither pleads, urges or demonstrates before this Court that among the irrigation works required to be undertaken in Vontimitta Mandal, Kadapa District, the work sanctioned earlier by the proceedings dated 17-02-2004 requires prioritized handling on any discernible, rational and neutral parameters. The petitioners grievance is merely that having agreed to undertake certain works earlier by proceedings dated 17-02-2004 that decision has been varied, by the decision contained in the order dated 30-08-2004. On a very focused analysis, as the work pursuant to the proceedings dated 17-02-2004 could not be undertaken on account of issuance of the election notification, as contended in the counter affidavit, eschewing execution of that work and selecting the alternate work for execution as has been done by the proceedings dated 30-08-2004, does not *ipso facto* call for adjudication by this Court under Article 226 of the Constitution of India. The rationality of the earlier work nor irrationality of the present work could be subject matter of adjudication by this Court on any neutrally discernible principles in view of the limited record available in the writ petition.

In the above circumstances, no factual basis is presented for exercise of curial interference. No merits. The writ petition is dismissed. No costs. However, any amounts deposited by the beneficiaries pursuant to the sanction dated 17-02-2004 of the 4th respondent shall be liable for refund to the beneficiaries on appropriate applications being made to the 4th respondent.

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**GODA RAGHURAM, J**

16th December, 2004

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Principal Secretary, State of A.P.,
Irrigation Department., Secretariat, Hyderabad.
2 The Executive Engineer, Irrigation Division, Kadapa District.
3 The Deputy Executive Engineer, Irrigation Sub Division,

Kadapa District.
4 The District Collector, Kadapa, Kadapa District.

5. Two CCs to G.P. for Irrigation & Comm Area Dev., High Court Buildings,

Hyderabad (OUT).

6. Two CD copies.